

REMARKS

Claims 6-10 are pending in the application. Claims 6-10 have been canceled and claims 11-14 have been added, leaving claims 11-14 for consideration upon entry of the present Amendment. Support for the new claims can be found in the specification, the figures and the original filed claims. In particular, support for claim 1 is found on page 4 and support for claim 2 is found on page 3, line 20 through page 4, line 12. Applicants respectfully request reconsideration in view of the Amendment and Remarks.

Claims 6-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Applicants have canceled claims 6-10 and added claims 11-14. Applicants respectfully submit that claims 11-14 overcome the rejections under 35 U.S.C. § 112, second paragraph. Accordingly, Applicants request that this rejection be withdrawn.

Claims 6-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 0729772 in view of Antony (US 4,217,176) and Sephton (US 6,309,513). For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicants have canceled claims 6-10 and added claims 11-14. The references do not teach or suggest of the limitations of claims 11-14.

Claim 11 includes the following limitations: a medium distributor common for all of said heat exchangers for feeding said medium to be concentrated wherein the medium escaping from said first heat exchanger is directly fed to the second heat exchanger; * * * a second dividing wall between said heat exchangers separating said steam spaces and/or turning chambers of the heat exchangers from each other." The advantage of these features is that they provide a separation of the heat exchanger supply so that the heat exchangers can be operated with different heat supply media. See page 2, first paragraph of the Specification. None of the references teach or suggest these limitations.

EP 0729772 discloses an evaporator consisting of a cylindrical housing in which two heat exchangers are arranged above one another; however, the heat exchangers are not serially connected and thus, each of the heat exchangers has a separate medium feed distributor and a separate chamber. See Figure 1. The heat for the heat exchangers is transferred by steam. The steam enters through the inlet traveling through the complete heat

exchanger, arriving at the opposite side the heat exchanger and condensating. Thus, EP 0729772 does not teach or suggest a medium distributor common for all heat exchangers or a second dividing wall between said heat exchangers separating said steam spaces and/or turning chambers of the heat exchangers from each other.

Antony discloses an evaporator having two heat exchangers. See Figure 5. Each of the heat exchangers has a separate feed distributor and also each heat exchanger has a separation chamber for separating exhaust steam from the medium. Thus, there is not a common central medium feed distributor for all heat exchangers but separate distributors for each heat exchanger. There is also not a second dividing wall between said heat exchangers separating said steam spaces and/or turning chambers of the heat exchangers from each other.

The same is true with Septhon, which teaches a plurality of bundle stacks of tubes forming a heat exchanger being arranged adjacently one above the other. The bundles are heated with waste steam in parallel flow under vacuum into the steam sides of all tube bundles in the unit through a common steam conduit. Septhon does not teach or suggest that the medium escaping from said first heat exchanger is directly fed to the second heat exchanger. In addition, Septhon does not teach or suggest a second dividing wall between said heat exchangers separating said steam spaces and/or turning chambers of the heat exchangers from each other.


Accordingly, the references either alone or in combination do not teach or suggest all of the limitations. Thus, claims 11-14 are patentable over the references. Accordingly, Applicants respectfully request that claims 11-14 be allowed.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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